



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of E.B.M., Correction
Officer Recruit (S9988T), Department
of Corrections

Medical Review Panel Appeal

CSC Docket No. 2017-1989

ISSUED: September 7, 2018 (BS)

E.B.M. appeals his rejection as a Correction Officer Recruit¹ candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 23, 2018, which rendered the attached report and recommendation on February 23, 2018. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized the appellant as evidencing significant problems with limited cognitive ability. His scores on two tests of cognitive ability, both verbal and non-verbal, indicated he would be unable to perform correctional duties up to the required standard. Dr. Gallegos also noted that the personality testing indicated high risk in multiple areas of functioning and that his academic record supported the validity of the test scores as well. Dr. Gallegos concluded that the appellant was not psychologically suited for employment as a Correction Officer Recruit.

¹ Pursuant to *N.J.S.A.* 11A:2-11.1, effective May 1, 2018, the title of Correction Officer Recruit has been retitled to Correctional Police Officer.

Dr. John M. Rotondi (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and opined that the appellant was psychologically suitable for employment as a Correction Officer Recruit.

The evaluators on behalf of the appellant and the appointing authority reached differing conclusions and recommendations. The Panel concluded that the negative recommendation related to problems with the appellant's cognitive abilities and inability to use his own judgment. The Panel noted that the appellant had a poor credit history, had some minor discipline issues at his employment, including lateness, and he endorsed many biased items in the testing. The appellant's cognitive abilities raised concerns with the Panel about his ability to make sound judgments. Therefore, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correction Officer Recruit, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. Accordingly, the Panel recommended that the applicant be removed from the eligible list.

In his exceptions, the appellant states that he disagrees with the Panel's report and recommendation but fails to elaborate or provide any substantive response. The appellant asserts that his name should be restored to the "edibility [*sic*] list."

CONCLUSION

The Job Specification for Correction Officer Recruit is the official job description for such State positions within the civil service system. According to the specification, an Officer is involved in providing appropriate care and custody of a designated group of inmates. These Officers must strictly follow rules, regulations, policies and other operational procedures of that institution. Examples of work include: encouraging inmates toward complete social rehabilitation; patrolling assigned areas and reporting unusual incidents immediately; preventing disturbances and escapes; maintaining discipline in areas where there are groups of inmates; ensuring that institution equipment is maintained and kept clean; inspecting all places of possible egress by inmates; finding weapons on inmates or grounds; noting suspicious persons and conditions and taking appropriate actions; and performing investigations and preparing detailed and cohesive reports.

The specification notes the following as required skills and abilities needed to perform the job: the ability to understand, remember and carry out oral and written directions and to learn quickly from written and verbal explanations; the ability to analyze custodial problems, organize work and develop effective work methods; the ability to recognize significant conditions and take proper actions in accordance with prescribed rules; the ability to perform repetitive work without loss of equanimity, patience or courtesy; the ability to remain calm and decisive in

emergency situations and to retain emotional stability; the ability to give clear, accurate and explicit directions; and the ability to prepare clear, accurate and informative reports of significant conditions and actions taken.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits, which were identified and supported by test procedures and the behavioral record, relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission finds that the appellant's exceptions do not provide substantive arguments which would dispute the findings and recommendations of the Panel in this regard. The Panel's concerns centered on the appellant's limited cognitive ability, his endorsement of bias issues, and his employment and credit history. Prior to making its report and recommendation, the Commission notes that the Panel conducts an independent review of all of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The Panel's observations regarding the appellant's employment history, responses to the various assessment tools, and appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants. Therefore, having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that E.B.M. is psychologically unfit to perform effectively the duties of a Correction Officer Recruit and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5TH DAY OF SEPTEMBER, 2018

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson, Civil Service Commission

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Attachment

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